

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES A. SIGMON,)
Plaintiff,)
v.) No. 3:05-CV-591
APPALACHIAN COAL PROPERTIES, LLC,) (Phillips)
Defendant.)

ORDER

There being no timely objection by the parties, see 28 U.S.C. § 636(b)(1), and the court being in complete agreement with the magistrate judge, the Report and Recommendation [Doc. 57] filed by the Honorable H. Bruce Guyton, United States Magistrate Judge, on November 21, 2008, is hereby **ACCEPTED IN WHOLE** whereby defendant's motion to modify the record on appeal [Doc. 51] is **GRANTED** to the extent that the defendant is allowed to submit on appeal the documents submitted to chambers for review and a statement of proceedings as to the telephone conference; the motion is **DENIED** to the extent that the defendant seeks to include deposition transcripts which were not at issue during the telephone conference. Defendant's motion to approve statement of proceedings [Doc. 52] is **GRANTED** to the extent that the defendant is allowed to file a statement of proceedings as to the August 28, 2008 telephone conference with Magistrate Judge Guyton.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge